



Matthew I. Fleischman
4530 Wisconsin Avenue, NW
Fifth Floor
Washington, DC 20016
202.480.2965
Fleischman@oandzlaw.com

August 31, 2021

VIA ECF

The Honorable Judge John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application granted.
SO ORDERED.

September 1, 2021 /s/ John G. Koeltl
New York, NY John G. Koeltl, U.S.D.J.

**Re: Cengage Learning, Inc. et al. v. Trung Kien Nguyen et al.,
S.D.N.Y. Case No. 20-cv-769-JGK**

Dear Judge Koeltl:

We represent Plaintiffs Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, Elsevier Inc., McGraw Hill LLC, and Pearson Education, Inc. (“Plaintiffs”) in the above-referenced action. In accordance with Standing Order 19-MC-583, Section 6 of the S.D.N.Y. Electronic Case Filing Rules and Instructions, and the Court’s Individual Rules & Practices in Civil Cases, Plaintiffs seek leave to file under seal Plaintiffs’ the appendices to the Proposed Default Judgment and Permanent Injunction Order and exhibits to the Declaration of Matthew I. Fleischman (“Sealed Documents”). Plaintiffs will also file redacted versions of the Sealed Documents on ECF, which will include all of the contents except Defendant Michael McEvilley’s full financial account numbers, as described below.

Plaintiffs’ sealing request should be granted because the Sealed Documents contain Defendant’s full financial account numbers. Federal Rule of Civil Procedure 5.2(a)(4) mandates that, unless the Court orders otherwise, financial account numbers should be redacted. In addition to redacted versions of the Sealed Documents, Plaintiffs seek to file under seal unredacted versions to ensure that, if granted, there is a version of the Court’s order that contains the full account numbers, which financial institutions need to identify the relevant accounts.

Based on the above, the continuum that the Court applies, and the balancing of interests, Plaintiffs have overcome the presumption of a public filing. *See Lugosch v.*

Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006). Indeed, the only information that will be withheld from the public consists of Defendant's financial account numbers. This, by its nature, is private information as to the account holder, and is not the type of information that, if sealed, will impact the judicial process or deprive the public of needed information. *See id.* For these reasons, the Court granted Plaintiffs' leave to file prior versions of the Sealed Documents under seal in connection with Plaintiffs' Order to Show Cause.

Plaintiffs are aware that, absent an order granting this sealing request, the Sealed Documents will become public.

Thank you for the Court's consideration of this request.

Sincerely,

/s/ Matthew I. Fleischman

Matthew I. Fleischman